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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 BRITTNEY MENEFEE, et al.,

8 Plaintiffs,

9 v.

10 TACOMA PUBLIC SCHOOL
DISTRICT NO. 10, et al.,

11 Defendants.

CASE NO. C17-6037 BHS

ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING
ORDER/TO QUASH SUBPOENA
AND ORDERING THAT THE
PARTIES MEET AND CONFER

12 This matter comes before the Court on the filing of Kristin Pleasant, a nonparty in
13 this action. Dkt. 41. Kristin Pleasant moves to prevent disclosure and quash subpoenas
14 issued on Defendants in this action that require the production of “any form of
15 documentation including school records, emails (formal and informal) and any other
16 documentations made by other parties that reference J.P.” *Id.* at 1. However, the Federal
17 Rules of Civil Procedure authorize only “[a] party or any person from whom discovery is
18 sought” to move for a protective order. Fed. R. Civ. P. 26(c)(1). *See also SEC v. Tucker*,
19 130 F.R.D. 461, 462 (S.D. Fla. 1990) (the Office of the U.S. Attorney was neither a party
20 nor a person from whom discovery was sought and was required to intervene in order to
21 seek protection for certain documents); *Nelson v. Greenspoon*, 103 F.R.D. 118, 121
22 (S.D.N.Y. 1984) (finding a nonparty may properly intervene to protect the disclosure of

1 privileged documents). As Ms. Pleasant is a nonparty and has not sought to intervene in
2 this case pursuant to Fed. R. Civ. P. 24, her present motion is **DENIED** as it is
3 procedurally defective. The Court advises Ms. Pleasant that if she wishes to participate
4 more directly in controlling the manner in which the designated materials are handled by
5 the parties in this case, it may be necessary that she obtain counsel to aid her efforts.

6 Nonetheless, the Court notes that the requested discovery pertaining to J.P., while
7 relevant and necessary to Plaintiffs' ability to pursue their claims, does implicate highly
8 sensitive information. Accordingly, the Court sua sponte orders that the parties meet and
9 confer on the issue of whether a more carefully-tailored and restrictive protective order is
10 necessary with regards to discovery of documentation regarding J.P. (and perhaps other
11 minors) than the stipulated order already filed before the Court. Preferably, the parties'
12 conference, telephonic or otherwise, will include Ms. Pleasant to some extent in light of
13 her interest in protecting any potentially confidential and privileged material regarding
14 J.P. The parties shall then issue an additional stipulated protective order or a joint status
15 report informing the Court of their conference and its outcome. Until such a conference
16 occurs, any outstanding discovery pertaining to documentation involving J.P. is

17 **STAYED.**

18 **IT IS SO ORDERED.**

19 Dated this 4th day of May, 2018.

20 

21 BENJAMIN H. SETTLE
22 United States District Judge